

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PHILIP KAUFMAN,

Plaintiff,

-v-

SALESFORCE.COM, INC.,

Defendant.

No. 1:20-cv-6879

:

: Before: Hon. John P. Cronan

:

: Location: Courtroom 20-C

: Daniel Patrick Moynihan

: United States Courthouse

: 500 Pearl Street, Room 1340

: New York, NY 10007-1312

:

: **JURY TRIAL DEMANDED**

**DECLARATION OF SAM STAKE IN SUPPORT OF  
SALESFORCE.COM, INC.'S CLAIM CONSTRUCTION BRIEF**

I, Sam Stake, declare as follows:

1. I am a partner at Quinn Emanuel Urquhart & Sullivan LLP. If called as a witness, I could and would testify competently to the information contained herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of Kaufman's Claim Construction and Scheduling Order from the case *Kaufman v. Microsoft Corp.*, No. 1:16-cv-02880, Dkt. 69, dated April 11, 2018.

3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 7,885,981.

4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 10,025,801.

5. Attached hereto as Exhibit 4 is a true and correct copy of Kaufman's Opening Claim Construction Brief from *Kaufman v. Microsoft Corp.*, No. 1:16-cv-02880, Dkt. 39, dated November 8, 2016.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Joint Claim Terms Chart from *Kaufman v. Microsoft Corp.*, No. 1:16-cv-02880, Dkt. 36-1, dated October 18, 2016.

7. Attached hereto as Exhibit 6 is a true and correct copy of Kaufman's Claim Construction Reply and Response to Microsoft's Indefiniteness Contentions from the case *Kaufman v. Microsoft Corp.*, No. 1:16-cv-02880, Dkt. 41, dated December 20, 2016.

8. Attached hereto as Exhibit 7 is a true and correct excerpt from the Pretrial Conference Transcript from *Kaufman v. Microsoft Corp.*, No. 1:16-cv-02880, dated January 16, 2020.

9. Attached hereto as Exhibit 8 is a true and correct excerpt of Encarta World English Dictionary, published in 1999.

10. Attached hereto as Exhibit 9 is a true and correct excerpt of The American Heritage College Dictionary, Third Edition, published in 1997.

11. Attached hereto as Exhibit 10 is a true and correct copy of Database Access with Visual Basic, published by Macmillan Computer Publishing on October 1, 1997.

12. Attached hereto as Exhibit 11 is a true and correct copy of Water Quality Database: Database Design and Data Dictionary, published in July 1998.

13. Attached hereto as Exhibit 12 is a true and correct copy of U.S. Patent No. 7,062,502.

14. Attached hereto as Exhibit 13 is a true and correct copy of U.S. Patent No. 5,950,190.

15. Attached hereto as Exhibit 14 is a true and correct copy of U.S. Patent No. 5,778,375.

16. Attached hereto as Exhibit 15 is a true and correct excerpt of Microsoft Computer Dictionary, Fourth Edition, published in 1999.

17. Attached hereto as Exhibit 16 is a true and correct excerpt of IBM Dictionary of Computing, Tenth Edition, published in August 1993.

18. Attached hereto as Exhibit 17 is a true and correct copy of U.S. Patent No. 5,873,093.

19. Attached hereto as Exhibit 18 is a true and correct copy of U.S. Patent No. 5,802,514.

20. Attached hereto as Exhibit 19 is a true and correct copy of U.S. Patent No. 5,553,218.

21. Attached hereto as Exhibit 20 is a true and correct copy of Kauman's Letter Opposition to Salesforce's Letter Regarding Motion to Dismiss and Strike, Dkt. 21, dated October 23, 2020.

22. Attached hereto as Exhibit 21 is a true and correct copy of E. F. Codd, *A Relational Model of Data for Large Shared Data Banks*, Communication of the ACM, Vol. 13, No. 6, published in June 1970.

23. Attached hereto as Exhibit 22 is a true and correct copy of JAM 7.0 Database Guide, dated August 1995.

24. Attached hereto as Exhibit 23 is a true and correct copy of U.S. Patent No. 5,787,416.

25. Attached hereto as Exhibit 24 is a true and correct copy of U.S. Patent No. 6,058,391.

26. Attached hereto as Exhibit 25 is a true and correct copy of Douglas Schmidt's CV.

27. Attached hereto as Exhibit 26 is a true and correct excerpt of Collins English Dictionary, published in 1998.

28. Attached hereto as Exhibit 27 is a true and correct excerpt from The Concise Oxford Dictionary of Current English, published in 1995.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Tiburon, California on January 7, 2020.

/s/ Sam Stake  
Sam Stake